

Chesapeake Bay Exception CBE-10-032: Stonehouse Land Bay 3

Staff report for the December 9, 2009, Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Ms. Kristen Shacochis-Brown, Kerr Environmental Services Corp.

Land Owner(s): GS Stonehouse Green Land Sub, LLC

Location: 9235 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100029: GS Stonehouse owner

9340 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440200002: 2J Investments LLC, owner

9315 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100033: 2J Investments, LLC owner

9683 Mill Pond Run, Toano, Virginia 23168
Pin: 0530100017: The Association at Stonehouse, Inc owner
(Homeowners Association)

Parcel Size/Zoning: 41 +/- acres, PUD Residential and PUD Commercial

Percent of Parcels in RPA: 34% (14 +/- acres)

Watershed: Ware Creek

Proposed Impacts

Chesapeake Bay Board action (Board approval)

Sanitary Sewer RPA Encroachments:	
Permanent encroachment:	24,004 square feet (0.55 ac.)
Temporary encroachment:	16,266 square feet (0.37 ac.)
Total:	40,270 square feet (0.92 ac.)

Chesapeake Bay Preservation Ordinance Administrator action (Administrative approval)

BMP RPA Encroachments:	10,463 square feet (0.24 ac.)
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Brief Summary and Description of Activities

The submitted Water Quality Impact Assessment contains information pertaining to both administrative and Board action. The impacts associated with the BMPs, specifically sections 3.1.2, 3.1.3, and 3.1.4, require administrative approval due to the fact that they are either water dependant features, routine maintenance of BMPs, and/or alterations or improvements to an existing BMP structure that does not degrade the quality of surface water discharge. The impacts associated with the sanitary sewer require Board approval as they are not built by a public service authority. The remainder of this staff report will discuss the proposed sanitary sewer impacts.

The Stonehouse development received a US Army Corps of Engineers permit to construct a sanitary sewer pump station and associated sewer lines (2,300 linear feet) in 1997. The pump station and approximately 1,030 lf of sewer lines have been constructed to date and the original permit has expired. Furthermore, the Stonehouse development has undergone several changes in ownership during this time as well. Several options have been pursued in the design of this land bay and the current layout is the one chosen by the owner to present to the various agencies for their respective permits. The subdivision plan for land bay 3 is currently under review at the County under plan number S-048-08.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is a gravity sewer line that will provide service to this land bay, serve as a future connection for an adjacent, undeveloped parcel, and will connect to an existing gravity sewer offsite and pump station. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance all land disturbance, development or redevelopment within the RPA requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was provided on October 1, 2009 and revised on November 30, 2009. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Replanting the temporary construction easement (16,266 sf), and
- Preserve 14,810 sf of non-RPA area, adjacent to the RPA within Land Bay 3, and
- Replant 5,480 sf of non-RPA area, adjacent to RPA and a BMP within Tract 12, and
- Payment of \$4,634.70 into the Chesapeake Bay Mitigation Fund as mitigation for the remaining 4,414 sf of RPA impact.

Staff Recommendation

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed development and that the proposed

mitigation measures are acceptable. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. Replant the temporary construction easement (16,266 sf).
3. Preserve 14,810 sf of non-RPA in Land Bay 3. This area shall be placed within a conservation easement and dedicated to the Williamsburg Land Conservancy and James City County.
4. Replant 5,480 sf of non-RPA adjacent to BMP 3A in Tract 12 of Stonehouse.
5. Payment of \$4,634.70 into the Chesapeake Bay Mitigation Fund.
6. Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing. This includes 2J Investments and Stonehouse HOA.
7. All improvements on the Stonehouse HOA property that are damaged by the installation of the sanitary sewer line shall be replaced, including landscape materials, fencing, and sidewalk/trail.
8. This exception request approval shall become null and void if construction has not begun by December 9, 2010.
9. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-032 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-032 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments:

Water Quality Impact Assessment, date stamped November 30, 2009